

LIQUOR ADVISORY BOARD
Tuesday, November 17, 2009
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alicia DiBenedetto Neubauer
Aaron Magdziarz
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Staff: Jennifer Cacciapaglia, Attorney for Liquor Commission
Todd Cagnoni, Deputy Director, Construction Services Division
Sandra Hawthorne, Administrative Assistant
Jon Hollander, Public Works
Frank Schmitt, Chief, Fire Prevention

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the October 20th, 2009 meeting as submitted. The **MOTION** was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Julio Salgado abstaining, as he was absent from the October meeting.

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the next meeting was given as Monday, November 30th at 4:30 PM in Conference Room A of this building. The public in attendance, applicants, objectors and interested parties were instructed that they could contact Sandra Hawthorne in the Zoning Office for

any further information by calling the phone number listed on the top of the agenda which was made available to all those in attendance at the beginning of the meeting.

09-LAB-013

Applicant
Ward 11

811 Broadway

Ericka Sanchez / Mis Dos Patrias
Sale of packaged beer and wine in conjunction with a grocery store in a C-4,
Urban Mixed-Use District
Laid Over from October meeting.

The subject property is located on the southeast corner of South 4th Street and Broadway. This item was heard at last month's meeting, but was Laid Over because the Board felt there was insufficient information supplied by the Applicant to allow them to make a decision. Michael Stiles, representing the Applicant, reviewed the request for sale of packaged beer and wine. A revised site plan was submitted to the Board prior to the meeting. Mr. Stiles indicated the business hours would be from 8:00 AM to 8:00 PM daily, with no liquor sales on Sundays. Dan asked if there was a reason why the bituminous area between the street and sidewalk was not removed. Mr. Stiles stated it was his understand that this was done by the City when the street was worked on several years ago. Mr. Cagnoni stated Staff did not see any reason why this area should remain paved and was not certain that this was indeed done by the City. Mr. Stiles clarified that all of the cases of beer and wine will either be on shelving or on pallets and not sitting on the floor. All alcohol will be contained within the locked petitions. It was agreed between the Applicant and the Board that the liquor will remain in the areas designated on the submitted drawings. Mr. Stiles further stated there will be no vinyl signs advertising alcohol sales as it is not the Applicant's intent to draw customers in strictly for the sale of alcohol.

The Board discussed the removal of the bituminous area between the street and sidewalk west of the building and creating a green space. Mr. Cagnoni clarified that only 35% of the windows are allowed to be covered with advertisements. He further stated Staff had prepared conditions of approval they would recommend should the Board chose to Approve this item.

Staff Recommendation was for Denial. No Objectors or Interested Parties were present. One letter of Objection was received from Edgar and Vanessa Burgos, adjacent property owners of an apartment building at 1517 South 4th Street. Their letter states they are concerned with teenagers hanging around waiting for someone of age to purchase liquor for them; garbage and liquor bottles being thrown on the street, and feel that selling liquor at this location will work towards the City's goals to improve Broadway.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of packaged beer and wine in conjunction with a grocery store in the name of Ericka Sanchez d/b/a Mis Dos Patrias in a C-4, Urban Mixed-Use District at 811 Broadway with added conditions by Staff. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0. Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire, and Liquor Codes.
2. Improvements to site must be in accordance with the revised Exhibit D by July 1, 2010, inclusive of the removal of asphalt area in right-of-way west of the building.
3. The sale of packaged liquor of beer and wine shall be limited to the hatched area shown on Exhibit E.
4. The sale of liquor shall be limited to Monday through Saturday, 8:00 AM to 8:00 PM and no liquor sales on Sunday as indicated within Business Plan labeled Exhibit F.
5. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.
6. Signs displayed in windows, whether temporary or permanent shall cover no more than 35% of the square footage of the window surface inclusive of advertisement of alcohol products.
7. Package beer shall not be sold on an individual basis but sold as a six (6), twelve (12), twenty-four (24) pack or greater.
8. Wine shall not be sold in containers less than 750 ml.
9. The parking area and perimeter of building shall remain free of garbage and debris.

09-LAB-014

Applicant
Ward 10

5494 East State Street

Rick White d/b/a Bandana's Bar-B-Q
Modification of the sale of liquor by the drink in conjunction with a sit-down restaurant with an outdoor seating area from beer and wine to a full liquor license in a C-2, Limited Commercial Zoning District

The subject property is located 446 feet east of the East State Street and North New Towne Drive intersection and is Bandana's Bar-B-Q Restaurant. They currently have a license for beer and wine and wish to modify that to a full liquor license in order to compete with other restaurants on State Street that offer a full liquor menu. Attorney Cacciapaglia stated she had no objections to this request.

Staff Recommendation was for Approval with 5 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the modification of the sale of liquor by the drink in conjunction with a sit-down restaurant with an outdoor seating area from beer and wine to a full liquor license in the name of Rick White d/b/a Bandana's Bar-B-Q in a C-2, Limited Commercial Zoning District at 5494 East State Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0. Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. the hours of operation will be limited to 11:00 AM to 9:00 PM Sunday through Thursday.
4. The hours of operation will be limited to 11:00 AM to 10:00 PM Friday through Saturday.
5. The sale of alcohol shall be limited to the interior site and outdoor seating areas that were submitted as Exhibit D.

09-LAB-015

Applicant
Ward 11

1019 Broadway

Frank Amato d/b/a Body Shop on Broadway
Sale of liquor by the drink in conjunction with a night club, live music venue and karaoke bar in a C-4, Urban Mixed-Use District

The subject property is located on the south side of Broadway and is currently a Gentlemen's Club. Salvatore DeLuca, representing the Applicant, reviewed the request for sale of liquor. Mr. DeLuca stated the Applicant is expecting a slow change-over from a Gentleman's Club to a Whiskey A- Go-Go type club.

Attorney Cacciapaglia stated when they met originally, she was told the dancing girls would be eliminated. She asked for a description of the dancing girls Mr. DeLuca referred to. Mr. DeLuca stated these girls would be like Go-Go dancers, but that they were looking for an opportunity to be spontaneous on stage. Attorney Cacciapaglia also asked for a time frame on changing from a Gentleman's Club to their anticipated plan. He could not give a time frame when the Gentleman's Club would be phased out and stated he really did not know how to answer this question. Mr. DeLuca stated due to the financial decline whenever they attempt to make new changes, their clientele depreciates. He would not commit to a 12 month time frame.

Attorney Cacciapaglia stated without a commitment from the Applicant, she was not comfortable with proceeding at this time and requested a Lay Over. Mr. DeLuca stated the reason they brought this forward at this time was to be able to have live music and charge at the door. Mr. Cagnoni stated Staff was also uncomfortable with allowing a nite club with the continuation of dancing girls at this location. In response to a question from the Board, Mr. DeLuca stated the occupancy is approximately 100 people.

No Objectors or Interested Parties were present.

The Board also felt it was appropriate to Lay Over this item until further clarification of the Applicant's intent is provided.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of liquor by the drink in conjunction with a night club, live music venue and karaoke bar in the name of Frank Amato d/b/a Body Shop on Broadway in a C4, Urban Mixed-Use District at 1019 Broadway. The Motion was **SECONDED** by Craig Sockwell. and **CARRIED** by a vote of 6-0.

OTHER BUSINESS

2010 Liquor Advisory Board meeting schedule.

The 2010 Liquor Advisory Board meeting schedule was presented for vote. The Board agreed to accept the scheduled dates as written.

A **MOTION** was made by Scott Sanders to **APPROVE** the 2010 Zoning Board of Appeals meeting schedule as presented. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

LIQUOR ADVISORY BOARD

2010 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 17, 2009	January 20, 2010-Wed
January 14, 2010	February 17, 2010-Wed
February 11, 2010	March 16, 2010
March 18, 2010	April 20, 2010
April 15, 2010	May 18, 2010
May 13, 2010	June 15, 2010
June 17, 2010	July 20, 2010
July 15, 2010	August 17, 2010
August 19, 2010	September 21, 2010
September 16, 2010	October 19, 2010
October 14, 2010	November 16, 2010
November 18, 2010	December 21, 2010
December 16, 2010	January 19, 2011-Wed

With no further business to come before the Board, the meeting was adjourned at 6:29 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board